PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/821,229

Filing Date:

April 8, 2004

Applicant(s):

Tara Ziolo et al.

Group Art Unit:

3733

Examiner:

Steven J. Cotroneo

Title:

BONE FIXATION DEVICE

Attorney Docket:

5490E-000365

Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

I hereby declare under penalty of perjury as follows:

- 1. That I am one of the inventors of the above-identified application.
- 2. That the invention was conceived and reduced to practice in this country prior to September 3, 2003—the filing date of United States Publication No. 2005/0049593 to Duong.

- 3. That the redacted engineering drawings of Exhibit A illustrate the various components of the subject invention that were produced by an in-house manufacturing facility of the assignee and shown to work for their intended purpose prior to September 3, 2003—the filing date of United States Publication No. 2005/0049593 to Duong.
- 4. The components described above in Section 3 and shown in Exhibit A were tested and shown to function such that cooperation between a first cam of a fastener shaft and a second cam of an annular member resulted in expansion of the annular member in a radial direction from an unexpanded position to an expanded position when the fastener shaft was rotated relative to the annular member. Prior to such rotation, the fastener shaft and annular member were able to freely rotate about an axis of the fastener shaft and collectively seat in a fixation hole of a bone fixation plate at various angles relative to the fixation plate. When the fastener shaft was rotated relative to the annular member to cause the annular member to expand in a radial direction, such expansion prevented the fastener shaft and annular member from backing out of the fixation hole.
- 5. That each of the redacted drawings of Exhibit A bears a date prior to September 3, 2003.
 - 6. That the invention has never been abandoned, suppressed, or concealed.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are being made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Dated: 5/27/10

Dated: 5/19/10

Rul Ferreira

Tara Ziolo

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EXHIBIT A

















